

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**KATHRYN BAUMAN RUBENSTEIN,** )  
 )  
 **PLAINTIFF,** )  
 )  
 **VS.** ) **CASE NO.: 1:07-cv-798-MHT**  
 )  
 **BETTY BAUMAN, et al,** )  
 )  
 **DEFENDANT.** )

**ANSWER TO COMPLAINT**

COMES NOW the defendant, Ann Chandler, in the above styled and for Answer to Complaint filed by the Plaintiff, and to each and every paragraph thereof, shows unto the Court as follows:

1. Defendant denies each and every material allegation contained in the Complaint filed by the Plaintiff and demands strict proof thereof.

**SPECIAL DEFENSES**

COMES NOW the defendant and asserts the following Special Defenses in this cause as follows:

**FIRST DEFENSE**

Defendant denies each and every material allegation of Plaintiff's Complaint and demands strict proof thereof.

**SECOND DEFENSE**

Defendant pleads the general issue.

**THIRD DEFENSE**

Defendant pleads this Court lacks jurisdiction of the matter.

**FOURTH DEFENSE**

Defendant pleads this Court lacks in personam jurisdiction.

**SIXTH DEFENSE**

Defendant pleads this Court lacks in personam jurisdiction.

**SEVENTH DEFENSE**

Defendant pleads venue is improper.

**EIGHTH DEFENSE**

Defendant pleads insufficiency of process.

**NINTH DEFENSE**

Defendant contends that Plaintiff's Complaint has failed to state a claim upon which relief can be granted.

**TENTH DEFENSE**

Defendant denies that he is indebted to Plaintiffs as alleged in their Complaint.

**ELEVENTH DEFENSE**

Defendant denies that he has been guilty of any conduct which entitles Plaintiff to recover punitive damages.

**TWELFTH DEFENSE**

This Defendant avers that any award of punitive damages to the Plaintiff in this case will be violative of the Constitutional safeguards provided to it under the Constitution of the United States of America.

**THIRTEENTH DEFENSE**

This Defendant avers that any award of punitive damages to the Plaintiff in this case will be violative of the constitutional safeguards provided to it under the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States of America in that punitive damages are vague and are not rationally related to legitimate government issues.

**FOURTEENTH DEFENSE**

This Defendant avers that any award of punitive damages to Plaintiffs in this case will be violative of Article 1, Section 6, of the Constitution of the United States of America which provides that no person shall be deprived of life, liberty, or property except by due process of law, in that punitive damages are vague and are not rationally related to legitimate government interests.

**FIFTEENTH DEFENSE**

**This Defendant avers that any award of punitive damages to the Plaintiff in this case will be violative of the procedural safeguards provided to Defendant under the Sixth Amendment to the Constitution of the United States of America in that punitive damages are penal in nature and consequently, Defendant is entitled to the same procedural safeguards accorded to criminal defendants.**

**SIXTEENTH DEFENSE**

**It is violative of the self-incrimination clause of the Fifth Amendment to the Constitution of the United States of America to impose against this Defendant punitive damages, which are penal in nature, yet compels Defendant to disclose potentially incriminating documents and evidence.**

**SEVENTEENTH DEFENSE**

**This Defendant avers that any award of punitive damages to the Plaintiff in this case will be violative of the Eighth Amendment to the Constitution of the United States of America in that said damages would be excessive fine in violation of the Excessive Fines Clause of the Eighth Amendment to the United States Constitution.**

**EIGHTEENTH DEFENSE**

**Said Defendant hereby gives notice that it intends to rely upon such other affirmative defenses as may become available or apparent during the course of discovery and thus reserves the right to amend its answer to assert such defenses.**

**RESPECTFULLY SUBMITTED** this the 24<sup>th</sup> day of September 2007.

**/s/ STEVE MCGOWAN**  
**STEVE MCGOWAN (MCG071)**  
Attorney for Defendant  
P.O. Box 2  
Dothan, Alabama 36302  
(334) 699-6688

**CERTIFICATE OF SERVICE**

**I, Steve McGowan, do hereby certify that I have served the foregoing upon all parties in the above referenced case through electronic notification this the 24<sup>th</sup> day of September.**

**/s/ Steve McGowan**  
**OF COUNSEL**